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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,966	12/29/2005	Sebastian Cramer	2185-233	3523

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EXAMINER	
SMITH, NKEISHA	

ART UNIT	PAPER NUMBER
3632	

NOTIFICATION DATE	DELIVERY MODE
08/20/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary	Application No.	Applicant(s)	
	10/562,966	CRAMER, SEBASTIAN	
	Examiner	Art Unit	
	NKEISHA J. SMITH	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *33-62* is/are pending in the application.

4a) Of the above claim(s) *55 and 59-62* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *33-54 and 56-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12/29/2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following correspondence is a Final Office Action for application no. 10/562,966 for a PIVOTING HEAD SYSTEM IN PARTICULAR FOR FILM AND VIDEO CAMERAS, filed on 12/29/2005. This correspondence is in response to applicant's reply dated 5/26/2009. Claims 33-62 are pending. Claims 55 and 59-62 are withdrawn.

Priority

2. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 33-35, 44-45 and 49-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Beidler et al. (U.S. Pat. 1,550,944).

Regarding claim 33, Beidler teaches a camera head system (Figs. 1, 7) comprising a camera (75^a) being mounted at a substantially flat holding element (74) on which there are mounted at an angular spacing about an imaginary vertical axis at least three casters (24) rotating respectively about horizontal caster axles, at least one of said

caster axles being adapted to be rotated and fixed in a horizontal plane in any desired rotary position, at least one running direction adjusting device (21).

Regarding claim 34, Beidler teaches the system of claim 33, wherein said camera is mounted on a panning apparatus (50) said panning apparatus being mounted in or on said flat holding element.

Regarding claim 35, Beidler teaches the system of claim 33, wherein said camera is mounted on a panning apparatus (50).

Although claim 44 recites purely functional limitations, it is nonetheless rejected because Beidler teaches the system of claim 33, wherein all of said caster axles are adapted to be rotated and to be fixed in said horizontal plane in any desired rotary position.

Although claim 45 recites purely functional limitations, it is nonetheless rejected because Beidler teaches the system of claim 33, wherein said casters can be locked in a rotating direction thereof (via wing nut 20).

Regarding claim 49, Beidler teaches the system of claim 33, wherein three of said casters are provided and arranged at an angular spacing of 120° about said vertical axis (Fig. 4).

Regarding claim 50, Beidler teaches the system of claim 33, comprising at least one bearing element in which one of said caster axles is fitted, said at least one bearing element (ring surrounding caster wheel in Fig. 1) being detachably connected to said holding element.

Regarding claim 51, Beidler teaches the system of claim 33, wherein at least one of said caster axles is supported in a bearing ring element (ring surrounding caster wheel in Fig. 1) provided on an outside of said holding element, such that the at least one of said caster axles can rotate in said horizontal plane.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beidler et al. (U.S. Pat. 1,550,944).

Regarding claims 36-41, Beidler teaches the system of claim 33, but does not teach that the running direction adjusting device comprises markings, a scale, a digital display, an incremental encoder or a direction finding element that indicates said rotary position of said running direction of said at least one caster axle with reference to said holding element at a reference mark, where the scale has a special marking to indicate

a desired position. Markings, digital displays, encoders and direction finding elements are well known in the art as instruments of measuring. Thus, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to construct the device of Beidler where the running direction adjusting device comprises markings, a scale with markings, digital display, incremental encoder or direction finding element that indicates said rotary position of said running direction of said at least one caster axle with reference to said holding element at a reference mark, where the scale has a special marking to indicate a desired position because the use of a scale with a special mark, digital display, incremental encoder or direction finding element would yield the predictable results of measuring or monitoring the position or location of the caster wheels.

9. Claims 42, 43, 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beidler et al. (U.S. Pat. 1,550,944) in view of Cox (U.S. Pat. 6,484,829).

Regarding claims 42, 43 and 52-54, Beidler teaches the system of claims 33 and 34, but does not teach that the running direction adjusting device comprises at least one motor that is controlled by a central processing unit, a rotary movement of at least one of said casters about a caster axle thereof can be driven by means of a motor, a speed of said rotary movement is controlled by a central processing unit, and the horizontal panning movements and/or said vertical tilting movements of said camera in said panning apparatus are performed by means of motors that can be controlled by a central processing unit. Cox, however, teaches that a motor (520) can control a caster actuator (521), a caster (52) and other members, wherein the motor is controlled by a

central processing system (801). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to construct the system of Beidler where a motor controls the running direction adjusting device, a rotary movement of at least one of said casters about a caster axle thereof, a speed of said rotary movement, and the horizontal panning movements and/or said vertical tilting movements of said camera in said panning apparatus, where the motor is controlled by a central processing unit in order to provide an automatic means for controlling the system.

10. Claims 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beidler et al. (U.S. Pat. 1,550,944) in view of Lewin (U.S. Pat. 3,566,433).

Regarding claims 46, 47 and 48, Beidler teaches the system of claims 33 and 37, but does not teach that an adjusting device is provided for adjusting a friction between at least one of said casters and a caster axle thereof and a damping device is provided for damping a friction between at least one of said casters and said caster axle thereof. Lewin, however, teaches a caster arrangement where an adjusting device (45) is provided for adjusting a friction between at least one of said casters and a caster axle thereof and a damping device (44) is provided for damping a friction between at least one of said casters and said caster axle thereof in order to reduce the damaging effect of sudden shocks. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to construct the system of Beidler where an adjusting device is provided for adjusting a friction between at least one of said casters and a caster axle thereof and a damping device is provided for damping a friction between at

least one of said casters and said caster axle thereof in order to prevent an abrupt change in the caster angle.

Further, Beidler and Lewin disclose the claimed invention except for a damping level of the damping device being adjustable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create a damping level of the damping device as adjustable since the provision of adjustability, where needed, involves only routine skill in the art.

11. Claims 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beidler et al. (U.S. Pat. 1,550,944) in view of Epperson (U.S. Pat. 3,924,828).

Regarding claim 56, Beidler teaches the system of claim 33, but does not teach that the panning apparatus comprises an L-shaped holder on a fastening column. Epperson, however, teaches a panning apparatus comprising an L-shaped holder (30) on a fastening column (26) for mounting the camera. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to substitute the panning apparatus of Beidler for the panning apparatus of Epperson since both devices perform the same function of moving the camera.

Regarding claims 57 and 58, Beidler and Epperson teach the device of claim 56, where Epperson teaches that said fastening column is mounted on a bearing ring (22) that is supported in a holding element (14) and said fastening column can be removed together with said L-shaped holder.

Response to Arguments

12. Applicant's arguments filed 5/26/2009 have been fully considered but they are not persuasive.

13. Regarding claims 33-35, 42-54 and 56-58, applicant argues that the Beidler reference does not teach all of the claimed limitations, and the associated secondary references do not cure the alleged deficiencies.

Applicant states that the Beidler reference fails to disclose a system with “at least one of said caster axles being adapted to be rotated and fixed in a horizontal plane in any desired rotary position." The Examiner respectfully disagrees. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Here, the prior art is capable of performing the intended use because at least one of the caster axles is capable of being rotated and fixed in a horizontal plane in any desired rotary position. The caster axle is held in place by a caster stem 23 that is pivotable within the socket 22 (col. 2, lines 40-45). Therefore, the caster axle is free to rotate in any horizontal plane in any desired rotary position by virtue of the pivotal movement of the stem. In addition, the rotation of the caster arm 21 further adds to the pivotal movement of the caster and caster axle.

Applicant also states that the Beidler reference fails to disclose a “substantially flat holding element on which there are mounted at an angular spacing about an imaginary vertical axis at least three casters.” The Examiner respectfully disagrees. At

issue is whether the three casters 24 of the Beidler reference are mounted on the substantially flat holding element 74. The term mounted includes the definition of "to attach to." Thus, it is the Examiner's position that the casters are attached to the flat holding element in an indirect manner, thereby satisfying the limitations of the claims.

Therefore, because the Beidler reference teaches all of the claimed limitations, the secondary references are not needed to cure the alleged deficiencies.

14. Regarding claims 36-41, applicant argues that the Examiner has failed to establish a *prima facie* case of obviousness. The Examiner clarifies the obviousness statement to indicate that markings, digital displays, encoders and direction finding elements are well known in the art as instruments of measuring of monitoring. And as stated previously, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to construct the device of Beidler where the running direction adjusting device comprises markings, a scale with markings, digital display, incremental encoder or direction finding element that indicates said rotary position of said running direction of said at least one caster axle with reference to said holding element at a reference mark, where the scale has a special marking to indicate a desired position because the use of a scale with a special mark, digital display, incremental encoder or direction finding element would yield the predictable results of measuring or monitoring the position or location of the caster wheels.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NKEISHA J. SMITH whose telephone number is (571) 272-5781. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on (571) 272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nkeisha J. Dumas/
Examiner, Art Unit 3632

August 17, 20009

/J. ALLEN SHRIVER II/
Supervisory Patent Examiner, Art Unit 3632